



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Pacific Islands Fish and Wildlife Office
300 Ala Moana Boulevard, Room 3-122
Honolulu, Hawaii 96850



In Reply Refer To:
01EPIF00-2020-I-0497

November 19, 2020

Justin N. Fujimoto
Natural Resource Specialist
Naval Facilities Engineering Command Pacific
808-472-1407
Honolulu, Hawaii

Subject: Naval Base Guam Fuel Tie In MILCON P661

Dear Mr. Fujimoto:

Thank you for your letter of September 18, 2020, asking for concurrence on your determination that the Naval Base Guam (NBG) Fuel Tie In MILCON P661 project, may affect, but is not likely to adversely affect the threatened Mariana common moorhen, *Gallinula chloropus guami* pursuant to the Endangered Species Act (ESA) of 1973 [16 U.S.C. 1531-1544 *et seq.*], as amended.

Project Description

The Proposed Action (MILCON P-661) would replace an existing vulnerable Navy/Commercial petroleum, oil, and lubricant POL tie-in. The new tie-in facility would be located to the southeast of the existing tie-in within the pipeline easement causeway between Highway 18 and Highway 1, in the vicinity of Apra Harbor, Guam. The current Navy/Commercial tie-in was identified as vulnerable due to its location and visibility directly adjacent to Highway 18, the public roadway that leads out to Dry Dock Island. This new location would substantially reduce the vulnerability of the tie-in to potential threats and provide sufficient setbacks from public roadways. The new tie-in would be constructed in sheltered vaults to further reduce its visibility. The Proposed Action is part of a broader Navy initiative to decrease vulnerability and increase the resilience of critical infrastructure serving installations.

Action Location

The existing Navy/Commercial tie-in is located at the coordinates: 13°27'25.34"N, 144°40'58.62"E. It is sited along the south side of Highway 18, where the Highway intersects with the Navy and Commercial pipeline easement causeway. The proposed hardened tie-in facility (preferred alternative) would be located approximately 700 feet to the southeast on the causeway. The project area for the proposed action includes the entire causeway from Highway

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18 to Highway 1 due to the supporting infrastructure that would be located along the causeway (Figure 1).

To the east side of the project there is breeding habitat for the Mariana common moorhen, *Gallinula chloropus guami* and to the west side of the leveed road is a tidal mangrove forest which drains into Sasa bay.

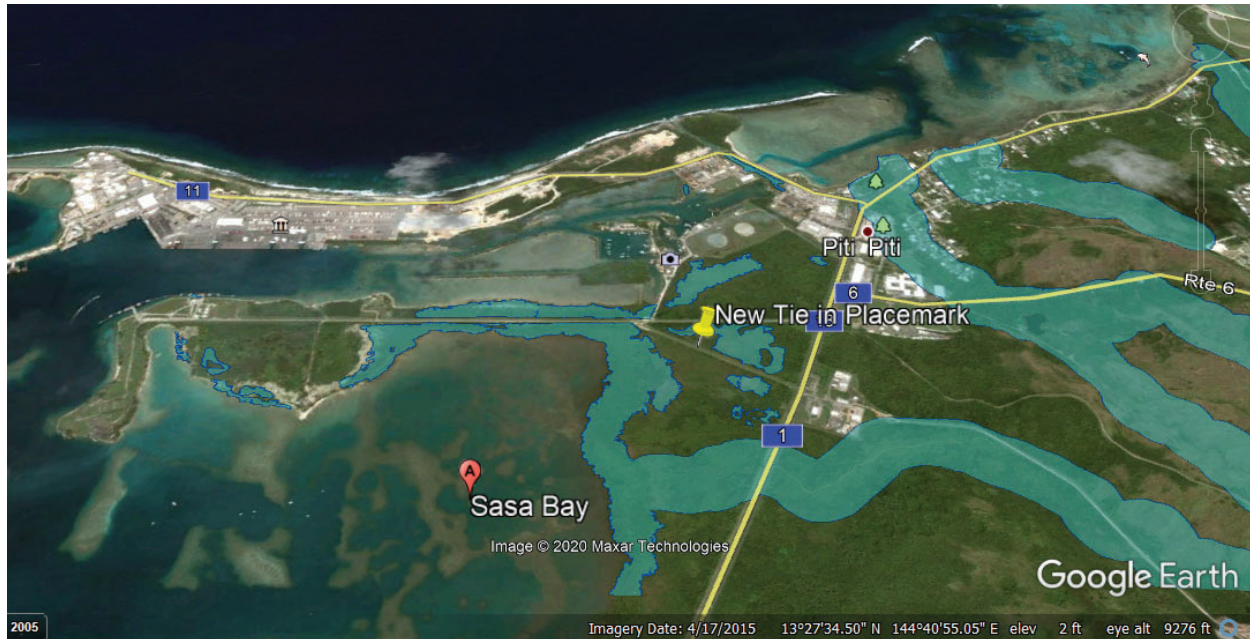


Figure 1. The blue area indicates Mariana common moorhen habitat

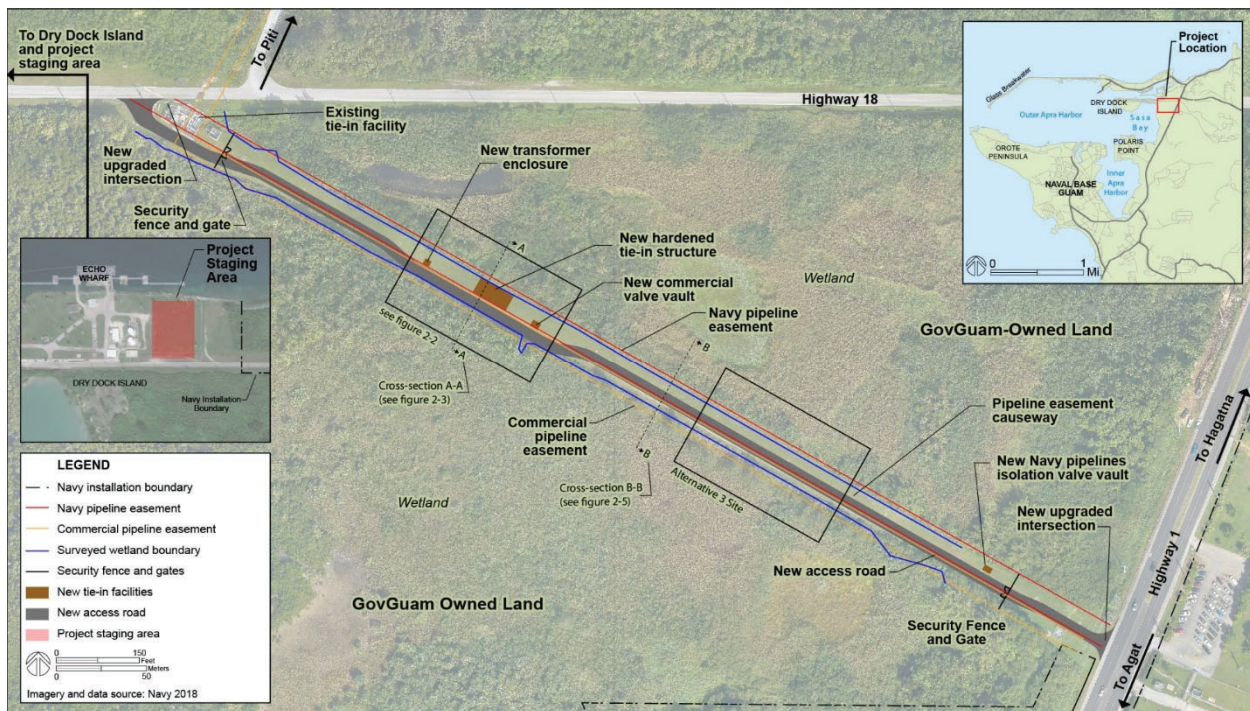


Figure 2. Project Vicinity Map and construction elements.

Avoidance and Minimization Measures

The following conservation measures will be implemented at the project site to avoid and minimize effects to the species.

General construction conservation measures:

1. The Service will be notified prior to project initiation and provided with the results of pre-construction waterbird surveys.
2. The contractor will have a biological monitor on site for the duration of construction to ensure protected wildlife will be avoided during the construction phase of the project.
3. The biological monitor will be provided a fact sheet with color photographs of threatened or endangered species in the action area, and a number to call if a sighting occurs. The biological monitor would keep track of contractors on site, potential Threatened and Endangered species sightings, and make weekly reports to NAVFAC Marianas.
4. If a severe weather event occurs that could potentially disperse wildlife to the area, surveys will be conducted prior to resuming construction.

Specific measures for the Mariana common moorhen:

5. A biological monitor will conduct surveys for moorhen adults, juveniles, and nests at the project site prior to project initiation. Repeat surveys again within 3 days of project initiation and after any subsequent delay of work of 3 or more days.
6. If a nest and/or brood is present, construction activities will cease and the US Fish and Wildlife Service (USFWS) will be contacted immediately. Activities may not begin without USFWS assessing the situation.
7. A 100-foot (30 meter) buffer will be established and maintained around all active nests and/or broods until the chicks/ducklings have fledged. No potentially disruptive activities or habitat alteration should occur within this buffer. A biological monitor(s) will be present on the project site during all construction or earth moving activities to ensure that individual moorhens and their nests are not adversely impacted.
8. If a moorhen is observed within the project site, or flies into the site while activities are occurring, the biological monitor shall halt all activities within 100 feet (30 meters) of the individual(s). Work should not resume until the listed waterbird(s) leave the area on their own accord.
9. Temporary fencing will be erected around construction sites to deter moorhens from entering. Silt fences will also be used around excavated and cleared sites for erosion control and to deter moorhens.
10. No pre-construction vegetation clearing, grubbing, groundwork, or commencement of construction activities that may impact the wetland areas during the peak Mariana moorhen nesting season (July to November)
11. A post-construction report will be submitted to the Service with 30 days of the completion of the project. The report will include the results of the moorhen surveys, the location and outcome of documented nests, and any other relevant information.

In the past five years there have been three different oil spills on Guam one that happened in August of 2017 at the Sasa Valley Fuel Farm of which had 8 different spill locations and was similar in project description to NBG Fuel Tie In MILCON P661. The Sasa Valley Fuel Farm spill was not reported for several months after the incident occurred.

Because of the recent history of oil spills on Guam the following assurances have been added to protect the habitat and wildlife from oil and contaminate spills:

-An absorbent barrier for oil/petroleum product will be used to contain the construction site from entering the wetland and shoreline long the berm.

- Methods to remove petroleum in the existing pipe will be provided to the Service. The current plan is to use a pigging that will push the remaining material within the pipe to the other end before plugging. At either end of the close off valve, containment barrier will be established and any material caught will be disposed at on upland disposal site.

-Draft plans of the spill plans, specifically the 404 permit and individual permit will be sent to the FWS contaminant specialist for review.

-The EA will be available for the Services review during the public review period. A notice of the review period will be provided to the Service before the EA is available.

Consequences of the Action

Mariana common moorhen: Because the species are adjacent to the work site, construction work will be halted or postponed in that area; construction workers will be instructed not to harm or harass the species; work will be halted if the bird is present within a 100 feet of the worksite; a barrier to oil spills and a fence be installed to deter birds from entering the work site; along with further cooperation with USFWS on specific spill mitigation and prevention methods will be done to minimize impacts, impacts to the bird are expected to be extremely unlikely to occur. Because adverse effects are extremely unlikely to occur; they are discountable and therefore not likely to adversely affect the Mariana common moorhen.

Conclusion

Based on the proposed action, our analysis indicates impacts of the proposed action, to the Mariana common moorhen are discountable as described above. The USFWS therefore concurs with your determination that the proposed project NBG Fuel Tie In MILCON P661 Guam, may affect, but is not likely to adversely affect the Mariana common moorhen, *Gallinula chloropus guami*.

Thank you for your time and working towards conserving threatened and endangered species. We look forward to coordinating with you on the Storm Water Pollution Prevention Plan (SWPPP) to facilitate ease of response and minimize impact to the species. The Pacific Islands Fish and Wildlife Office is available to assist in the evaluation of specific project documentation related to compliance with the ESA requirements. If you need further assistance, please contact Heather Benedict at heather_benedict@fws.gov.

Sincerely,

**JACQUELINE
E FLORES**

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Jacqueline Flores
Mariana Islands Team Manager

Cc: Jay Gutierrez, Division of Aquatics and Wildlife Resources